



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 16, 1996

Nancy McNeal, Ed.D.
Superintendent
East Bernard Independent School District
P.O. Drawer Z
East Bernard, Texas 77435

OR96-0202

Dear Dr. McNeal:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37591.

The East Bernard Independent School District (the "school district") received a request for, among other things, a document presented at a closed session of the school board.¹ You claim that this information is part of the sealed minutes of the closed meeting and, therefore, that this information is excepted from required public disclosure as a matter of law.

We disagree. Although the certified agenda or tape recording of a properly held closed meeting is confidential, Open Records Decision No. 495 (1988), and indeed may not be reviewed by the attorney general, *id.*, a document is not made confidential by the mere fact that it was discussed or orally submitted in a closed meeting. Open Records Decision Nos. 605 (1992) at 2-3 (mere fact that information was discussed in executive session does not make it confidential under Open Records Act), 485 (1987) (investigative report *orally* submitted by private detective to junior college district board may not be withheld merely because its contents were considered in executive session of board). As you raise no other exception to disclosure, you must release the requested information in its entirety.

¹As noted in earlier correspondence to the school district and the requestor, the other information submitted to our office as responsive to this request for information raises a legal question currently being considered by this office. We believe the pending open records decision, ORQ-7, will be dispositive of this issue. Accordingly, this ruling only addresses access to the information submitted at the closed school board meeting.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Loretta R. DeHay".

Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/LBC/ch

Ref: ID# 37591

Enclosures: Submitted documents